

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES H. SMALLEY,

Plaintiff,

vs.

JOHN W. STEVENS,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 4:12CV00171 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff James H. Smalley's "Plaintiff's Motion for Extention (sic) of Time to File His Motion in Opposition to Defendant's Motion for Summary Judgment" [ECF No. 58].

Defendant John W. Steven's Summary Judgment Motion was filed on June 14, 2013; Plaintiff's Response was due twenty-one (21) days later [ECF No. 51]. On June 25, Plaintiff filed "Plaintiff's Motion for Status in the Above Captioned Case" [ECF No. 54]. In response, the Court forwarded a complete copy of the case's docket, along with the Court's rulings relating to his previously filed motions [ECF No. 55]. On July 11, Plaintiff filed "Plaintiff's Combined (sic) Motion for Status and to Further Show Cause Why He Has Not Responded to Defendant[']s Motion for Summary Judgment," and asked for an extension of time [ECF No. 56]. On July 12, the Court granted Plaintiff's motion, ordering the Clerk's Office to forward to Plaintiff a complete copy of the case docket, and ordering Plaintiff to file his Response to the pending Motion for Summary Judgment no later than August 2, 2013 [ECF No. 57].

In this second Motion for Extension of Time, Plaintiff asks for an "additional twenty days to research and file with the Courts and Defendants his motion in opposition to defendants

motion for summary judgment, alleging that the delay in his response was due to the law library being closed on several occasions [ECF No. 58]. He claims that, since the last time extension granted on July 12, the law library was closed on five occasions: July 13, 15, 16, 26, and 27.

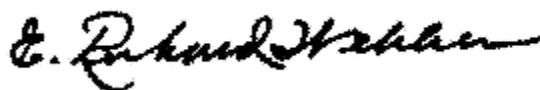
The Court will grant Plaintiff's Motion for Extension of Time. Plaintiff shall file a Response to the pending Motion for Summary Judgment by remaining Defendant John W. Stevens within twenty (20) days of entry of this Order. No further extensions of time to respond to Defendant's Motion for Summary Judgment will be granted.

Accordingly,

IT IS HEREBY ORDERED that "Plaintiff's Motion for Extention (sic) of Time to File His Motion in Opposition to Defendant's Motion for Summary Judgment" [ECF No. 58] is **GRANTED**. Plaintiff shall file a Response to the pending Motion for Summary Judgment by remaining Defendant John W. Stevens within twenty (20) days of entry of this Order.

IT IS FURTHER ORDERED that no further extensions of time to respond to Defendant's Motion for Summary Judgment will be granted.

Dated this 6th day of August, 2013.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE